

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Sections
5 10-20.40 and 34-18.34 as follows:

6 (105 ILCS 5/10-20.40 new)

7 Sec. 10-20.40. Student biometric information.

8 (a) For the purposes of this Section, "biometric
9 information" means any information that is collected through an
10 identification process for individuals based on their unique
11 behavioral or physiological characteristics, including
12 fingerprint, hand geometry, voice, or facial recognition or
13 iris or retinal scans.

14 (b) School districts that collect biometric information
15 from students shall adopt policies that require, at a minimum,
16 all of the following:

17 (1) Written permission from the individual who has
18 legal custody of the student, as defined in Section
19 10-20.12b of this Code, or from the student if he or she
20 has reached the age of 18.

21 (2) The discontinuation of use of a student's biometric
22 information under either of the following conditions:

23 (A) upon the student's graduation or withdrawal

1 from the school district; or

2 (B) upon receipt in writing of a request for
3 discontinuation by the individual having legal custody
4 of the student or by the student if he or she has
5 reached the age of 18.

6 (3) The destruction of all of a student's biometric
7 information within 30 days after the biometric information
8 is discontinued in accordance with item (2) of this
9 subsection (b).

10 (4) The use of biometric information solely for
11 identification or fraud prevention.

12 (5) A prohibition on the sale, lease, or other
13 disclosure of biometric information to another person or
14 entity, unless:

15 (A) the individual who has legal custody of the
16 student or the student, if he or she has reached the
17 age of 18, consents to the disclosure; or

18 (B) the disclosure is required by court order.

19 (6) The storage, transmittal, and protection of all
20 biometric information from disclosure.

21 (c) Failure to provide written consent under item (1) of
22 subsection (b) of this Section by the individual who has legal
23 custody of the student or by the student, if he or she has
24 reached the age of 18, must not be the basis for refusal of any
25 services otherwise available to the student.

1 (105 ILCS 5/34-18.34 new)

2 Sec. 34-18.34. Student biometric information.

3 (a) For the purposes of this Section, "biometric
4 information" means any information that is collected through an
5 identification process for individuals based on their unique
6 behavioral or physiological characteristics, including
7 fingerprint, hand geometry, voice, or facial recognition or
8 iris or retinal scans.

9 (b) If the school district collects biometric information
10 from students, the district shall adopt a policy that requires,
11 at a minimum, all of the following:

12 (1) Written permission from the individual who has
13 legal custody of the student, as defined in Section
14 10-20.12b of this Code, or from the student if he or she
15 has reached the age of 18.

16 (2) The discontinuation of use of a student's biometric
17 information under either of the following conditions:

18 (A) upon the student's graduation or withdrawal
19 from the school district; or

20 (B) upon receipt in writing of a request for
21 discontinuation by the individual having legal custody
22 of the student or by the student if he or she has
23 reached the age of 18.

24 (3) The destruction of all of a student's biometric
25 information within 30 days after the biometric information
26 is discontinued in accordance with item (2) of this

1 subsection (b).

2 (4) The use of biometric information solely for
3 identification or fraud prevention.

4 (5) A prohibition on the sale, lease, or other
5 disclosure of biometric information to another person or
6 entity, unless:

7 (A) the individual who has legal custody of the
8 student or the student, if he or she has reached the
9 age of 18, consents to the disclosure; or

10 (B) the disclosure is required by court order.

11 (6) The storage, transmittal, and protection of all
12 biometric information from disclosure.

13 (c) Failure to provide written consent under item (1) of
14 subsection (b) of this Section by the individual who has legal
15 custody of the student or by the student, if he or she has
16 reached the age of 18, must not be the basis for refusal of any
17 services otherwise available to the student.

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.31 as follows:

20 (30 ILCS 805/8.31 new)

21 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 95th General Assembly.

1 Section 99. Effective date. This Act takes effect August 1,
2 2007.